

(a)(3) of this section has occurred, such remedies as would be appropriate if awarded under sections 2000e-5(g), 2000e-5(k), and 2000e-16(d) of title 42, and such compensatory damages as would be appropriate if awarded under section 1981 or sections 1981a(a) and 1981a(b)(2) of title 42;

(2) may include, in the case of a determination that a violation of subsection (a)(2) of this section has occurred, such remedies as would be appropriate if awarded under section 633a(c) of title 29; and

(3) may not include punitive damages.

(Pub. L. 102-166, title III, § 302, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 104-1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40.)

AMENDMENTS

1994—Pub. L. 104-1 amended section generally. Prior to amendment, text read as follows: “All personnel actions affecting employees of the Senate shall be made free from any discrimination based on—

“(1) race, color, religion, sex, or national origin, within the meaning of section 2000e-16 of title 42;

“(2) age, within the meaning of section 633a of title 29; or

“(3) handicap or disability, within the meaning of section 791 of title 29 and sections 12112 to 12114 of title 42.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1201, 1219, 1220 of this title.

§§ 1203 to 1218. Repealed. Pub. L. 104-1, title V, § 504(a)(2), (5), Jan. 23, 1995, 109 Stat. 41

Section 1203, Pub. L. 102-166, title III, § 303, Nov. 21, 1991, 105 Stat. 1088, related to establishment of Office of Senate Fair Employment Practices.

Section 1204, Pub. L. 102-166, title III, § 304, Nov. 21, 1991, 105 Stat. 1090, related to Senate procedure for consideration of alleged violations of employee rights.

Section 1205, Pub. L. 102-166, title III, § 305, Nov. 21, 1991, 105 Stat. 1090; Pub. L. 103-283, title III, § 312(f)(2), July 22, 1994, 108 Stat. 1446, related to counseling of Senate employees alleging violations of rights.

Section 1206, Pub. L. 102-166, title III, § 306, Nov. 21, 1991, 105 Stat. 1091, related to mediation of disputes between Senate employees and employing offices.

Section 1207, Pub. L. 102-166, title III, § 307, Nov. 21, 1991, 105 Stat. 1091, related to formal complaints by Senate employees and hearings.

Section 1207a, Pub. L. 103-50, ch. XII, § 1205, July 2, 1993, 107 Stat. 269; Pub. L. 103-211, title II, § 2001(a)-(c), Feb. 12, 1994, 108 Stat. 22, related to Settlements and Awards Reserve appropriation account.

Section 1208, Pub. L. 102-166, title III, § 308, Nov. 21, 1991, 105 Stat. 1092, related to review by Select Committee on Ethics of decisions on violations of rights of Senate employees.

Section 1209, Pub. L. 102-166, title III, § 309, Nov. 21, 1991, 105 Stat. 1093; Pub. L. 102-392, title III, § 316(a), Oct. 6, 1992, 106 Stat. 1724; Pub. L. 103-50, ch. XII, § 1204(a), July 2, 1993, 107 Stat. 268, related to judicial review of decisions regarding violations of rights of Senate employees.

Section 1210, Pub. L. 102-166, title III, § 310, Nov. 21, 1991, 105 Stat. 1094, related to resolution of complaints for violations of rights of Senate employees.

Section 1211, Pub. L. 102-166, title III, § 311, Nov. 21, 1991, 105 Stat. 1094, related to costs of attending hearings on violations of Senate employee rights.

Section 1212, Pub. L. 102-166, title III, § 312, Nov. 21, 1991, 105 Stat. 1094; Pub. L. 103-283, title III, § 312(f)(3), July 22, 1994, 108 Stat. 1446, prohibited intimidation or reprisal against Senate employees for exercising rights under this chapter.

Section 1213, Pub. L. 102-166, title III, § 313, Nov. 21, 1991, 105 Stat. 1095, related to confidentiality of proceedings under this chapter.

Section 1214, Pub. L. 102-166, title III, § 314, Nov. 21, 1991, 105 Stat. 1095, provided that this chapter was enacted as an exercise of rulemaking power of Senate.

Section 1215, Pub. L. 102-166, title III, § 316, Nov. 21, 1991, 105 Stat. 1095, related to consideration of political affiliation and place of residence in Senate employment decisions.

Section 1216, Pub. L. 102-166, title III, § 317, Nov. 21, 1991, 105 Stat. 1096, related to exclusiveness of this chapter as remedy for discriminatory practices relative to Senate employment.

Section 1217, Pub. L. 102-166, title III, § 318, Nov. 21, 1991, 105 Stat. 1096, expressed sense of Senate that legislation be enacted giving employees of other instrumentalities of Congress rights comparable to those granted in this chapter.

Section 1218, Pub. L. 102-166, title III, § 319, Nov. 21, 1991, 105 Stat. 1096, reaffirmed Senate's commitment to Rule XLII of Standing Rules of the Senate, relating to employment discrimination on basis of race, color, religion, sex, national origin, age, or state of physical handicap.

SAVINGS PROVISION

Section 504(a)(2), (5) of Pub. L. 104-1 provided in part that sections 1203 to 1218 of this title are repealed, except as provided in section 1435 of this title.

§ 1219. Coverage of Presidential appointees

(a) In general

(1) Application

The rights, protections, and remedies provided pursuant to section 1202 of this title shall apply with respect to employment of Presidential appointees.

(2) Enforcement by administrative action

Any Presidential appointee may file a complaint alleging a violation, not later than 180 days after the occurrence of the alleged violation, with the Equal Employment Opportunity Commission, or such other entity as is designated by the President by Executive Order, which, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, shall determine whether a violation has occurred and shall set forth its determination in a final order. If the Equal Employment Opportunity Commission, or such other entity as is designated by the President pursuant to this section, determines that a violation has occurred, the final order shall also provide for appropriate relief.

(3) Judicial review

(A) In general

Any party aggrieved by a final order under paragraph (2) may petition for review by the United States Court of Appeals for the Federal Circuit.

(B) Law applicable

Chapter 158 of title 28 shall apply to a review under this section except that the Equal Employment Opportunity Commission or such other entity as the President may designate under paragraph (2) shall be an “agency” as that term is used in chapter 158 of title 28.

(C) Standard of review

To the extent necessary to decision and when presented, the reviewing court shall